

ORDINANCE NO. 2585 Amended

An ordinance amending the Broken Arrow Zoning Code, Article IX, by amending certain standards and regulations for signs within the City, providing for use conditions and exceptions within various zoning districts, repealing all ordinances to the contrary, and setting an effective date.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. The Broken Arrow Zoning Code, Article IX, is hereby amended to read as follows:

ARTICLE IX

SIGN REGULATIONS

SECTION I

GENERALLY ALL ZONING DISTRICTS

1.1. Definitions

1.1.a. Directional Sign: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian and vehicular traffic.

1.1.b. Double-Sided Signs: shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions.

1.1.c. Freestanding Signs: shall mean a sign that is principally supported by a structure affixed to the ground, not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

1.1.d. Mobile Signs: shall mean a sign, which is not permanently attached to the ground, a structure, or any other sign and which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include, but not be limited to benches, mobile advertising signs attached to a truck, chassis, detachable vehicle trailer, or other such mobile signs, but shall not include signs painted or otherwise inscribed on a self-propelled or towed vehicle.

1.1.f. Off-Premises Advertising Signs: shall mean a Freestanding sign erected, maintained or used in the outdoor environment for the purposes of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sales or lease of, the property on which it is displayed. No Off-Premises Advertising Signs shall be permitted within the corporate City limits.

1.1.g. On-Premises Advertising Signs: shall mean a sign erected, maintained or used in the outdoor environment for the purposes of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

1.1.h Projecting Signs: shall mean a display sign that is attached directly to a building wall that extends more than fifteen (15) inches from the face of the wall.

1.1.i. Standard Public Signs: shall mean any sign erected by the federal highway department, state highway department, Turnpike Authority, County or the City of Broken Arrow.

1.1.j. Temporary Signs: shall mean a sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Sign shall be located upon the property of the business, product, service or activity it is advertising.

1.1.j.i. Temporary Construction Signs: shall mean a construction sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Construction Sign shall be located upon the property where the construction work is taking place.

1.1.j.ii. Temporary Election Signs: shall mean a political election sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Election Sign shall be located upon private properties only and shall not be placed in the Rights-of-Way.

1.1.j.iii. Temporary Real Estate Sign: shall mean a real estate sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Real Estate Sign shall be located on the property for which it is advertising for sale or lease.

1.1.k. Wall Signs: shall mean a sign that is painted on or attached directly to the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the wall.

1.2. Setbacks

1.2.a. No sign shall be erected, constructed, placed, or projected into or over any public right-of-way except that in the 0-1, 0-1P, C1 and C1-P zoned districts, Projecting Signs may extend into the right-of-way provided there is a vertical clearance of at least eight (8) feet above the sidewalk and the sign does not extend past the sidewalk. For locations adjacent to arterial streets, the right-of-way shall be defined as the ultimate right-of-way planned for the area as shown by the most recently adopted Comprehensive Plan for Broken Arrow. (Within five hundred (500) feet of all arterial street intersections, the ultimate right-of-way is seventy (70) feet from the section line. Beyond five hundred (500) feet of the arterial street intersection, the ultimate right-of-way for primary arterial streets is sixty (60) feet from the section line, and for secondary arterial streets the ultimate right-of-way is fifty (50) feet from the section line.) For locations adjacent only to non-arterial streets, the right-of-way shall be defined as the actual area that is publicly owned, designated, or dedicated as right-of-way or as easement for one or more streets.

1.2.b. Except for Directional Signs, no permanent Freestanding Signs, Projecting Signs, On-Premises Advertising Signs or Wall Signs shall be located within fifty (50) feet of any residentially zoned district. Residentially zoned districts that are used solely for streets, railroad or highways are excluded from this subsection 1.2.b.

1.2.c. Any sign located within one hundred (100) feet of a residentially zoned district shall be limited to a maximum height of eight (8) feet and shall not exceed sixty-four (64) square feet of display area, regardless of set-back.

1.2.d. No flashing, twinkling, or animated sign shall be located within twenty (20) feet of the proposed street right-of-way line as shown in the Comprehensive Plan, or within two hundred (200) feet of a designated residential development district.

1.2.e. No sign shall exceed an illumination of seventy (70) foot candles as measured at a two (2) foot distance from the source of the illumination. Further, electric message centers making use of incandescent light (as opposed to light emitting diodes) for purposes of illumination, must be set back an additional twenty (20) feet from the minimum setback otherwise applicable. Incandescent lamp message centers shall not be programmed to function as a strobe in an on-and-off display mode. Incandescent lamp message centers must utilize a dimming feature that will dim the lights during dark hours to no more than eighty (80) percent of the normal watts used during daylight hours.

1.2.f. Freestanding Signs shall be set back a minimum distance of ten (10) feet from any limited access highway or turnpike right-of-way, notwithstanding the setback requirements as set out in Section 1.3.a. below.

1.2.g. Except for Standard Public Signs, no signs shall be located within twenty-five (25) feet of the point of intersection of the right-of-way of two or more public streets, nor within twenty-five (25) feet of the intersection of a public street right-of-way and a private street or driveway, nor within the median of a divided driveway for a distance of twenty-five (25) feet from the entrance to the public street right-of-way.

1.2.h. All Freestanding Signs or Projecting Signs shall maintain a minimum separation of thirty (30) feet from any other Freestanding Sign or Projecting Sign. However, in cases where there is a pre-existing Off-Premises Advertising Sign, any subsequent placement of a Freestanding sign shall be separated by at least one thousand five hundred (1,500) linear feet along the street frontage from the pre-existing Off Premises Advertising Sign. Further, Wall Signs or Projecting Signs shall not exceed the height of the parapet of the building to which they are attached. Provided, where architectural features of the building will not permit a Wall Sign of at least three (3) feet in height, a Wall Sign may be extended above the parapet of the building wall a distance sufficient to permit a sign of three (3) feet in height.

1.2.i. Off-Premises Advertising Signs shall not be permitted.

1.2.j. Any sign located within two hundred (200) feet of a residential district shall not exceed three hundred (300) square feet in display surface area.

1.2.k. In cases where there is a pre-existing Freestanding Sign, any subsequent sign placement or land use shall also meet the above setback requirements.

1.3. Height

1.3.a. The height of Freestanding Signs shall be measured from the grade where the sign is located and shall not exceed twenty (20) feet in height except as modified by the following: additional height may be granted for additional setbacks, measured from the ultimate right-of-way line on a one (1) foot vertical to a two (2) foot horizontal basis, to a maximum of thirty (30) feet.

1.3.b. On lots that are adjacent to a designated turnpike right-of-way or limited access highway, the height of the sign may be increased to fifty (50) feet using the formula herein stated measured from the right-of-way line provided the sign is located within one-hundred (100) feet of the turnpike or limited access highway right-of-way line. However, a sign that is adjacent to a designated turnpike right-of-way or limited access highway, which sign's set back is located at the minimum distance allowed of ten (10) feet, shall have a maximum height of twenty-five (25) feet.

1.3.b. Any sign that projects over a pedestrian walkway shall have a minimum of eight (8) feet of clearance.

1.3.c. Any sign that projects over a vehicular access area shall have a minimum of fourteen (14) feet of clearance.

1.4. Size

1.4.a. No sign shall exceed five hundred (500) square feet of display surface area if being used by multiple users, nor three hundred (300) square feet if used by a single user. Multiple users shall mean (4) four or more users on the Sign. Provided however, the identification plaque, decal or other device that identifies the owner of the Sign shall not be considered in the calculation of the multiple users.

1.4.b. Single sign per lot with turnpike right-of-way or limited access highway frontage shall not exceed an aggregate display surface area of three (3) square feet per each linear foot of limited access highway or turnpike frontage.

1.4.c. Multiple sign per lot with turnpike right-of-way or limited access highway frontage shall not exceed an aggregate display surface area of two (2) square feet per each linear foot of limited access highway or turnpike frontage.

1.4.d. All other signs per lot shall comply with the following standards except as otherwise provided within this Article.

1.4.d.i. Lots with one (1) Freestanding Sign shall not exceed an aggregate display area of two (2) square feet per lot frontage.

1.4.d.ii. Lots with multiple Freestanding Signs shall not exceed an aggregate display area of one (1) square foot per lot frontage.

1.4.d.iii. Wall Signs and Projecting Signs may utilize an aggregate display surface area of three (3) square feet per lot frontage.

1.4.e. Only one side of a Double-Sided sign shall be included in the computation of display service area. Double-Sided signs may be separated, as long as the separation of the two display surfaces shall not exceed ten (10) feet.

1.4.f. In computing the permitted display surface area for signs, the linear footage of an abutting secondary residential street shall not be combined with the linear footage of any collector street, arterial street, limited access highway or turnpike, which is being used to calculate the permitted display surface area.

1.5. Forbidden Lights and Representations

No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred (100) feet of the point of intersection of two (2) or more public streets. No

revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy (70) foot candles as measured at a two (2) foot distance from the source of the illumination.

1.6. Public Easements

Signs may be erected within public utility easements and the unused portions of platted alleys under the following conditions:

1.6.a. Sign structural poles shall not be located immediately over city owned utilities, i.e. waterlines, sanitary sewer lines, storm water lines, or facilities owned by the city that are located in public utility easements or the facilities of franchised utility providers. Freestanding Signs may be placed in public drainage easements upon written approval by the City Engineer.

1.6.b. The construction of the sign must be lawful.

1.6.c. Site plans submitted to the Planning Commission for site plan review that show a sign placed in a utility easement shall have the following note placed on the face of the site plan: "Sign owner(s) assume all liability and replacement responsibilities for any damage to signs placed in utility easements".

1.6.d. Sign placement within the public utility easement or alley should be done at the sign owner's own risk, and with the express knowledge that the needs for the construction, reconstruction, maintenance and repair of the existing or future publicly owned or franchised utilities are a priority and dominant over the servient estate of the sign placement.

1.6.e. The sign placed in a public utility easement must meet the setback requirements of this Article. The sign shall be constructed so that no portion thereof projects over the street right-of-way, or blocks the site triangle at intersections or blocks the sidewalks to normal pedestrian or bicycle traffic.

1.6.f. No sign, nor any portion or support thereof shall be placed within a drainage easement or drainage area without the written approval of the City Engineer, regardless of how the drainage easement or drainage area may have been created, obtained or conveyed and regardless of how the drainage easement or drainage area is designated, whether it is an easement, right-of-way, or any other type of designation.

1.6.g. As a precondition to a permit being issued for a sign constructed within public easements, the sign owner shall submit a written statement, which is either made a part of the plat or is recorded in the County land records that states to the effect that a) the sign owner acknowledges the prior rights and status of the public, its trustees, and franchised utility owners; b) the sign owner assumes all liability and replacement responsibilities for any damage to its signs located within utility

easements, as well as for any damage to subsurface or overhead facilities located within the easement, which may be damaged during the construction, installation, maintenance or repair of the signs; and c) acknowledgement that the sign is subject to removal at the sign owner's expense in the event that the City or a utility company has a need to construct, reconstruct, repair or maintain its facilities at that location.

1.7. Certain Signs Not Prohibited

The following types of signs shall be allowed by this ordinance if located outside the right-of-way, and further, these types of signs will not be included in the computation of aggregate display surface area for other permitted signs:

- 1.7.a. One nameplate attached to the face of the wall of a building, not exceeding four (4) square feet in surface area.
- 1.7.b. Temporary Real Estate Signs placed upon property that indicates said property is for sale or rent, not exceeding six (6) square feet of surface area in residential zoned areas and not exceeding thirty-two (32) square feet of surface area in agricultural, office, commercial, and industrial zoned areas.
- 1.7.c. Temporary Construction Signs, which are displayed along arterial street frontages that do not exceed one-half of the square foot per each linear foot of arterial street frontage; however, such Temporary Construction Signs shall never be restricted to less than thirty-two (32) square feet, but shall not exceed more than two hundred (200) square feet of display surface area, regardless of the amount of arterial frontage.
- 1.7.d. Signs that are not visible from a public street.
- 1.7.e. Tablets built into the wall of a building or other structure utilized for inscriptions, memorials or similar historic or dedicatory purposes.
- 1.7.f. Signs of a warning, directive or instructional in nature erected by any unit of government or any franchised utility.
- 1.7.g. Legal notices required by law to be posted.
- 1.7.h. Temporary Election Signs dealing with an political campaigning, if erected not more than forty-five (45) days prior to an election and removed within seven (7) days following the election and does not exceed sixteen (16) square feet of display surface area.
- 1.7.i. Signs painted or posted on the surface of any window, when the display surface area of the sign does not cover more than twenty-five (25) percent of the window.

1.7.j. Signs located inside a building and either oriented to be primarily visible from inside the building only, or located more than fifteen (15) inches from the window. Signs erected by private parties of a warning, directive or instructional nature and not exceeding three (3) square feet of display surface area, including entrance, exit and restroom signs.

1.7.k. Signs attached by the manufacturer and function as labels of commodities.

1.7.l. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen (15) square inches or less for each piece of equipment or structure. By way of example and not by limitation, equipment may include satellite dishes, air conditioners, fence components and similar items.

1.7.m. Street address numbers painted on the curb at the property owner's discretion.

1.7.n. Directional (i.e. entrance/exit) signs that are less than four (4) square feet.

1.8. Special Exemptions from Regulations

1.8.a. Except as specified in Section 1.7, signs that have not been issued a sign permit shall not be located in any zoning district of the City. Provided, that signs which were permitted by the City under previous sign regulations prior to the adoption of this Ordinance, or signs which were permitted by the County under previous regulations prior to annexation may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty (50) percent of its value, at which time such sign must be relocated in full conformity with the requirements of this ordinance. Provided however, any non-conforming sign existing within the corporate City limits at the time of the adoption of this Ordinance, which use is not otherwise discontinued or the sign is not damaged or destroyed as provided herein, shall conform to the provisions of this Article within the time proscribed in Section 6 of this Article. Any Sign previously permitted by the County and located on property that is annexed into the corporate City limits subsequent to the adoption of this Ordinance shall have ten (10) years from the date of annexation to conform to the Sign regulations and requirements provided in this Article.

1.8.b. Individuals exercising their First Amendment rights, under the U.S. Constitution or their free speech rights under the Oklahoma Constitution, shall not be required to obtain permits for any sign so long as the sign is not an advertisement for any type of commerce and such sign is physically located on the lot of that individual's actual residence, or is being physically carried by that individual while exercising their First Amendment right of free speech. In addition such individual may not, while exercising their First Amendment rights, block any public way, whether right-of-way, exclusive easement, general utility easement or the associated sight triangles required for traffic safety. The sign located on the residential property

must either be attached physically to the wall of the house or placed in the yard not exceeding ten (10) feet in height.

1.9. Sign Owner Identified

Each sign shall have a plaque, decal or other device located somewhere on the support or the surface of the sign which lists the name, address, phone number and other current contact information of the owner of the sign. The device must be readable to a person of ordinary height and vision at a distance of two (2) feet from the base of the sign, and the information must be printed in English block print. This device must be readily accessible to an inspector employed by the City, but does not have to be generally observable to the public.

1.10. Installation of Signs

All signs, which are permitted under this Ordinance or any future amendments thereto, shall be installed by licensed sign contractors in accordance with the locations and plans submitted at the time of the Application and subsequently approved by the City.

SECTION 2

REGULATIONS FOR SPECIFIC ZONING DISTRICTS

2.1. Sign Regulations in Office, Commercial and Industrial Zoning Districts

2.1.a Wall Signs in the C-1 or C1P districts shall have an aggregate display area not to exceed three (3) square feet for each linear foot at the front building wall of the building. Wall Signs in the O-1, O-1P, O-2 and O-3 districts shall have an aggregate display area not to exceed one (1) square foot for each linear foot at the front building wall of the building.

2.1.b. In C-1, C1-P, C-2, C-3, C-4, C-5, I-S, I-1, and I-2 districts, no more than one sign per one hundred fifty (150) feet of limited access highway frontage, arterial street frontage, collector street frontage or a fraction thereof. On lots with multiple street frontages (i.e. corner lots, double frontage lots), the street frontage is not cumulative. In O-1, O1-P, O-2 and O-3 districts, no more than one sign per one hundred (100) feet, or fraction thereof, of turnpike right-of-way, limited access highway frontage, arterial street frontage, collector street frontage.

2.2. Sign Regulations for Agricultural and Residential Zoning Districts

2.2.a. Permanent Freestanding Signs, which function as On-Premises Advertising Signs and are located on lots used for institutional uses such as educational, religious or charitable institutions, may be constructed and maintained as long as such signs do not exceed thirty-two (32) square feet of display surface area nor ten (10) feet in height. However, for the purposes of this subsection 2.2.a only, the maximum display

surface area and height may be increased to the standards contained in Section 1 of this Article, through a PUD or by the Specific Use Permit process, which shall be based upon the total linear foot of lot frontage. Illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet from the source of light.

2.2.b. Wall Signs and Freestanding Signs shall be allowed on each side of a subdivision entrance where the subdivision entrance intersects an adjacent arterial street or another subdivision. Signs shall not exceed thirty-two (32) square feet of display surface nor ten (10) feet in height. Illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet from the source of light. Where the entrance of a subdivision is by way of a boulevard with a divided median, the identification sign may be placed within the traffic island, as long as the sign is located at least twenty-five (25) feet from the point of intersection of the arterial street right-of-way.

2.2.c. During the period of construction, a Temporary Construction Sign may be erected on each perimeter street leading to the interior development, as long as the sign does not exceed ten (10) feet in height and illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet. Temporary Construction Signs shall be removed on issuance of building permit for the construction of principal structures on seventy-five (75) percent of the available lots within the development.

2.2.d. A Temporary Construction Sign not exceeding six (6) square feet of display surface area may be erected by the owner or occupier of each residence. However, the sign may not be placed within the boundaries of any public street, nor any utility easement, or within the site triangle of the intersection of two (2) streets or the intersection of a street and driveway. Such signs may not be used for commercial purposes within the residential zoning district.

2.3. Sign Regulations for Planned Unit Developments (PUD)

Signs in a PUD shall be governed by this Ordinance, but may be modified by the express terms of the PUD.

SECTION 3

BANNER, TEMPORARY, MOBILE OR PROMOTIONAL BUSINESS SIGNS

3.1. Duration, Height and Location

3.1.a. A Banner, Temporary, Mobile or Promotional Business sign shall be permitted only as provided herein, and such permits should be limited to no more than four (4) per year for any single Lot owner. Such Banner, Temporary, Mobile or Promotional Business Sign may be used for a period of no more than forty-five

(45) days on any one occasion, provided that the applicant may at the time of application request that all or any of the four (4) permitted time periods run consecutively. However, the permitted time periods may not exceed one hundred twenty (120) days total during a one-year period from the date of the first application. All Banner, Temporary, or Mobile Business Signs must have the Sign owner's name, address and phone number affixed to the Banner, Temporary, or Mobile Business Sign at a location where it can be seen by inspectors, although it may be concealed from the public while on display in its ordinary manner.

- 3.1.b. The height of Banner, Temporary, Mobile, or Promotional Business Sign shall not exceed the height specified in Section 1.3. All Banner, Temporary, Mobile or Promotional Business Sign shall be set back from the property line by a distance of one (1) foot horizontal for every one (1) foot vertical of the sign as measured from the base of the sign.
- 3.1.c. No Banner, Temporary, Mobile or Promotional Business Sign shall be placed in a manner, which will interfere with the flow of vehicular and/or pedestrian traffic, or create traffic visibility hazards such as being placed in the sight triangles of the intersection of two (2) streets or the intersection of streets and driveways. Banner, Temporary, Mobile or Promotional Business Signs must be anchored to the selected location sufficient to keep them from being moved by wind or storm.
- 3.1.d. No Banner, Temporary, Mobile or Promotional Business Sign shall be permitted to be located upon or within any required parking spaces or loading berths, nor shall it otherwise be located in such a manner to obstruct vehicular and/or pedestrian access or circulation.
- 3.1.e. Except for Standard Public Signs, no Banner, Temporary, Mobile or Promotional Business Signs shall be located within twenty-five (25) feet of the point of intersection of the right-of-way of two or more public streets, nor within twenty-five (25) feet of the intersection of a public street right-of-way and a private street or driveway, nor within the median of a divided driveway for a distance of twenty-five (25) feet from the entrance to the public street right-of-way.
- 3.1.f. Regardless of any other provisions to the contrary, all Banner, Temporary, Mobile or Promotional Signs shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, or of materials which are unlikely to become dangerous projectiles when propelled by windstorms.
- 3.1.g. Except for Standard Public Signs, Banner, Temporary, Mobile or Promotional Business Signs shall not exceed forty (40) square feet of display surface area.

3.3 Mobile Sign Anchorage

No Mobile Sign shall be placed unless such sign is anchored at each support by a steel rod driven at least eighteen (18) inches into the ground, or unless said sign is attached by a steel chain having at least three-quarters (3/4) inch links or by a steel cable of at least one-half (1/2) inch diameter to a building or to a permanent Freestanding Sign, or similar upright supporting structure.

3.4 Zoning

Banner, Temporary, Mobile or Promotional Business Signs as set out in this Section 3 may be permitted in any commercial, office, or industrial zoning district.

3.5 Number of Signs

Banner, Temporary, Mobile or Promotional Business Signs as set out in this Section 3 shall not exceed more than one sign at any given time per lot of record.

SECTION 4

PERMIT AND REGISTRATION PROCESS

4.1 Permits and Registrations for Freestanding Signs, Off Premises Advertising, On Premises Advertising Signs, Projecting Signs or Wall Signs shall be issued by the Building Inspector's Office.

4.2. No sign, except Temporary Election Signs and Temporary Real Estate Signs having six (6) square feet or less of display surface, may be constructed or erected within the City without first receiving a sign permit from the Building Inspection Office or without registering such sign as required in Section 4.3. The permitted use of a sign by a business, on its own premises, shall not be altered to any other use without first applying for and receiving a permit for such sign use. Applications for sign permits must include:

- 4.2.a. Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed.
- 4.2.b. A sketch of the property showing the proposed sign location and all structures and easements and driveways.
- 4.2.c. The proposed dimensions of the sign and a description of the method of supporting the sign.
- 4.2.d. The measurement of distance from the proposed signs to the limited access highway, turnpike right-of-way, collector street, arterial street, property line or other boundary set out within the different zoning districts, however if the distance is greater than one thousand five hundred (1,500) feet, then no such

measured distance is required to be reported, except that the applicant shall so state that the distance is greater than one thousand five hundred (1,500) feet.

4.2.e. The name and business address of the licensed contractor and the licensed electrical contractor if the sign is electrically powered.

4.2.f. The name and contact information of the sign owner.

4.3. Registration for Banner, Temporary, Promotional Business or Mobile Signs

The Lot owner shall register all Banner, Temporary, Promotional Business or Mobile Signs with the Building Inspection Office at least five (5) business days prior to displaying the Banner, Temporary or Mobile Sign. Registrations shall be valid for periods specified in increments of not more than thirty (30) days and used within twelve (12) months from the date the Banner, Temporary or Mobile Sign is first displayed; registrations under this ordinance are not transferable, and may not be renewed by the Lot owner or by others for that location within one (1) year. In no event may such sign be allowed to remain for more than one hundred twenty (120) days under the same registration.

4.4. Denied Registrations

The Lot owner registering a Banner, Temporary, Promotional Business or Mobile Sign shall be notified, in writing by the Building Inspector's Office when the registration is denied. The written notification will be given within a reasonable time after the denial.

4.4. Sign Contractors

Any contractor desiring to construct signs for others within the Broken Arrow city limits shall register their business name, business owner, address, phone number or other contact information, with the Building Inspection Office. Contractors who fail to register, or who fail to use licensed electricians, shall be subject to the penalties as described in Section 6.

SECTION 5

STANDARD PUBLIC SIGNS

5.1 Exemption for Governmental Public Signs

Standard Public Signs, as defined within the Zoning Code, are exempt from the regulations of this code when placed by any governmental entity.

SECTION 6

PENALTIES AND REMEDIES

6.1 Non-conforming Signs and Abatement Procedures

- 6.1.a. Any On-Premises Advertising Sign that is a non-conforming sign under the provisions of this Article as of the effective date of this Article shall have a period of ten (10) years to comply with this Article. The effective date of this amended Article is January 1, 2005. Any On-Premises Advertising Sign that is not in compliance with this Article after the expiration of the ten (10) year period shall be considered a Class C offense and shall be subject to nuisance proceedings and shall be abated as such nuisance in accordance with the City's Abatement and Nuisance Ordinances.
- 6.1.b. Any Off-Premises Advertising Sign that is a non-conforming sign under the provisions of this Article as of the effective date of this Article shall have a period of ten (10) years to comply with this Article. Any Off-Premises Advertising Sign that is not in compliance with this Article after the expiration of the ten (10) year period shall be subject to condemnation proceedings commenced by the City.
- 6.1.c. Any violation of this Article shall be a Class B Offense unless other stated herein.
- 6.1.d. In addition to any other available remedies provided by law, any violation of this Article may be abated as a public nuisance through the Zoning Ordinance. However, the City Manager shall provide an appropriate pre-deprivation or post-deprivation hearing to the sign owner no later than fourteen (14) days following the abatement, and the sign structure shall be preserved by the City Manager until after said hearing. In the event that the abatement of a sign is determined to be improper at such a hearing, the City shall restore the sign on site at the City's sole expense. In the event that the abatement of a sign is determined to be proper at such hearing, or if the hearing is waived, the costs of abatement may be assessed in accordance with state law.
- 6.1.e. Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Article as a whole or any other part thereof, other than the part so declared invalid. The City Council of Broken Arrow does hereby declare that it would have passed this Article and each section, subsection, paragraph, sentence, clause and phrase herein regardless whether any one or more parts herein be declared invalid.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. This ordinance shall become effective on January 1, 2005.

PASSED AND APPROVED this 6th day of December, 2004.

DATED this 6th day of December, 2004.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

ACTING CITY ATTORNEY